

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

HILLTOP CHURCH OF THE
NAZARENE,

Plaintiff,

V.

CHURCH MUTUAL INSURANCE
COMPANY,

Defendant.

Civil Action NO. 6:21-CV-00322-JCB

DEFENDANT'S RULE 26(A)(2) INITIAL EXPERT DESIGNATION

TO: Plaintiff, Hilltop Church of the Nazarene, by and through its counsel of record, Vincent P. Circelli and Preston J. Dugas III, **Dugas, Cheek & Circelli, PLLC**, 1701 River Run, Suite 703, Fort Worth, TX 76107.

Pursuant to the Court’s Scheduling Order, the Court’s February 10, 2022 Minute Order, Federal Rule of Civil Procedure 26(a)(2), and Local Rule CV-26(b), Defendant Church Mutual Insurance Company (“Defendant”) submits the following Initial Expert Designation:

I. RETAINED EXPERT

Defendant may use the following retained expert to present evidence under Federal Rules of Evidence 702, 703, and/or 705 in this matter:

**1. Daniel J. Hillner, P.E.
EFI GLOBAL, INC.
1800 10th Street, Suite 300
Plano, Texas 75074
(972) 484-6020**

Mr. Hillner may offer opinion and/or inference testimony regarding: (a) the design, construction, and physical condition of the insured property located at 10818 University Drive, Tyler, Texas 75707 (the “Property”), including the roofs, walls, and other exterior components of

the Property purportedly damaged during a weather event on or about March 13-14, 2019; (b) the nature and extent of any physical damage sustained by the Property as a result of a weather event on or about March 13-14, 2019; and (c) the cause and origin of physical damage existing at the Property.

Mr. Hillner may also respond to any reports, opinions, conclusions, evidence, or testimony offered by Plaintiff or its designated experts concerning any of the above or related topics. Mr. Hillner may also offer expert opinions and conclusions in response to any rebuttal reports, opinions, conclusions, evidence, or testimony that may be offered by Plaintiff and/or Plaintiff's designated experts.

The general substance of Mr. Hillner's opinions and conclusions, the basis and reasons for his opinions and conclusions, and the facts and/or data considered by him in forming his opinions and conclusions are set forth in his report dated April 16, 2020 – a copy of which was previously produced to Plaintiff, bates-labeled CM 00346-410, and is attached to these disclosures as **Exhibit A-1**. Mr. Hillner may also utilize drawings, photographs, charts, diagrams, and other demonstrative or illustrative aides to assist in explaining his testimony and opinions.

To the extent not specified in his report, Mr. Hillner's opinions and conclusions are based on his education, training, and experience, his inspection of the Property, and his review of the facts and/or data contained in the documents included in his file for this matter.

A copy of Mr. Hillner's *curriculum vitae* is attached to these disclosures as **Exhibit A-2**. A list of all cases in the last four years in which Mr. Hillner offered testimony as an expert witness (whether by deposition or at trial) is attached as **Exhibit A-3**. If necessary, Mr. Hillner will testify regarding his training, education, experience, and qualifications, as well as any other matters set forth in his *curriculum vitae*.

Mr. Hiller has been paid (and will be paid) on an hourly basis for services rendered in this matter. A rate sheet reflecting Mr. Hillner's hourly rate is attached to these disclosures as **Exhibit A-4**.

II. **RESERVATIONS**

Defendant reserves the right to amend or supplement this designation of expert witnesses in accordance with the scheduling order entered by the Court, or in response to any designation of experts provided by Plaintiff.

Respectfully submitted,

By: /s/ Lindsey P. Bruning
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been served on the following counsel of record in accordance with FEDERAL RULES OF CIVIL PROCEDURE on this 1st of March 2022:

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Attorneys for Plaintiff

/s/ Lindsey P. Bruning
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